HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20353 of 2005

Dated 19th September, 2005

Between:

M/s.Sri Vijaya Restaurant and Bar .. Petitioner

And

The Commissioner, Prohibition and

Excise, A.P. Hyderabad and two others .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20353 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not considering the application of the petitioner for grant of Bar Licence at D.No.1-159, Pothinamallayyapalem, Visakhapatnam for the Excise Year 2005-2006 as arbitrary and

illegal.

The learned counsel for the petitioner has contended that the 1st respondent-Commissioner, Prohibition and Excise has no authority to issue the impugned proceedings dated 30.7.2005 because no rule prescribes any restriction for establishment of bars. Therefore, the impugned proceedings have to be set aside.

The learned Government Pleader for Prohibition and Excise has contended that an appropriate decision has to be taken by the Commissioner whether to grant bar licence or not in accordance with the rules.

The impugned proceedings, dated 30.7.2005 shows that the Commissioner has directed all the authorities not to receive and not to process any application for grant of bar licence. Inasmuch as there is no restriction for establishment of bars, such a circular cannot be issued by the 1st respondent-Commissioner.

In the circumstances, the impugned proceedings are set aside and the 1st respondent is directed to the take an appropriate decision in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. No costs.

19.09.2005

bcj